
By: **Chairman, Health and Government Operations Committee (By Request
- Departmental - Health and Mental Hygiene)**

Introduced and read first time: February 4, 2004

Assigned to: Health and Government Operations

A BILL ENTITLED

1 AN ACT concerning

2 **Biological Agents Registry Program**

3 FOR the purpose of providing for the release of certain information to certain units of
4 government and certain fire or emergency medical services entities; prohibiting
5 disclosure of certain information to another person or entity unless authorized;
6 defining certain terms; clarifying the definition of a certain term; and generally
7 relating to the Biological Agents Registry Program in the Department of Health
8 and Mental Hygiene.

9 BY repealing and reenacting, with amendments,
10 Article - Health - General
11 Section 17-601, 17-602, and 17-604
12 Annotated Code of Maryland
13 (2000 Replacement Volume and 2003 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
15 MARYLAND, That the Laws of Maryland read as follows:

16 **Article - Health - General**

17 17-601.

18 (a) In this subtitle the following words have the meanings indicated.

19 (b) "Biological agent" means[:

20 (1) Any select agent that is a microorganism, virus, bacterium, fungus,
21 rickettsia, or toxin listed in Title 42, Part 72, Appendix A of the Code of Federal
22 Regulations;

23 (2) Any genetically modified microorganisms or genetic elements from
24 an organism listed in Title 42, Part 72, Appendix A of the Code of Federal Regulations,
25 shown to produce or encode for a factor associated with a disease; or

1 (3) Any genetically modified microorganisms or genetic elements that
2 contain nucleic acid sequences coding for any of the toxins listed in Title 42, Part 72,
3 Appendix A of the Code of Federal Regulations, or their toxic submits] ANY
4 BIOLOGICAL AGENT AS DEFINED IN TITLE 42, PART 73 OF THE CODE OF FEDERAL
5 REGULATIONS, OR TITLE 9, PART 121 OF THE CODE OF FEDERAL REGULATIONS.

6 (C) "MARYLAND INSTITUTE FOR EMERGENCY MEDICAL SERVICES SYSTEMS"
7 MEANS THE UNIT DESCRIBED IN § 13-503 OF THE EDUCATION ARTICLE.

8 (D) "PERSON" INCLUDES STATE AND FEDERAL UNITS OF GOVERNMENT.

9 [(c)] (E) "Program" means the Biological Agents Registry Program.

10 17-602.

11 (a) There is a Biological Agents Registry Program in the Department.

12 (b) The Biological Agents Registry shall:

13 (1) Identify the biological agents possessed and maintained by any
14 person in this State; and

15 (2) Contain other information as required by regulations adopted by the
16 Department.

17 (c) The Department shall adopt regulations for the implementation of the
18 Program that:

19 (1) Determine and list the biological agents required to be reported
20 under this subtitle;

21 (2) Designate the persons required to make reports and the specific
22 information required to be reported;

23 (3) Designate time limits for reporting, the form of reports, and the
24 persons to whom reports are to be submitted;

25 (4) Provide for the release of SPECIFIED information in the Biological
26 Agents Registry to:

27 (I) State and federal law enforcement agencies and the Centers for
28 Disease Control and Prevention pursuant to a communicable disease investigation
29 commenced or conducted by the Department or other State or federal law
30 enforcement agency having investigatory authority, or in connection with any
31 investigation involving release, theft, or loss of biological agents;

32 (II) THE MARYLAND EMERGENCY MANAGEMENT AGENCY AND THE
33 MARYLAND DEPARTMENT OF THE ENVIRONMENT FOR THE PURPOSES OF PLANNING
34 FOR THE PROTECTION OF THE PUBLIC IN RELATION TO THE RELEASE OF A
35 BIOLOGICAL AGENT AND THE PREVENTION OF A RELEASE OF A BIOLOGICAL AGENT;
36 AND

1 (III) THE MARYLAND INSTITUTE FOR EMERGENCY MEDICAL
2 SERVICES SYSTEMS FOR THE PURPOSES OF PROVIDING CERTAIN SPECIFIED
3 INFORMATION TO A FIRE OR EMERGENCY MEDICAL SERVICES ENTITY, AS DEFINED
4 IN § 7-101 OF THE PUBLIC SAFETY ARTICLE, PERFORMING EMERGENCY SERVICES,
5 PROCEEDING TO A FIRE OR OTHER EMERGENCY, OR DISPATCHED ON A CALL FOR
6 EMERGENCY SERVICES;

7 (5) Establish a system of safeguards that requires persons possessing,
8 maintaining, and transferring biological agents subject to this subtitle to comply with
9 the same federal standards that apply to persons registered to transfer the same
10 agents under federal law; and

11 (6) Establish a process for persons that possess and maintain biological
12 agents to alert appropriate authorities of unauthorized possession or attempted
13 possession of biological agents.

14 17-604.

15 (a) Except as otherwise provided in this subtitle, information prepared for or
16 maintained in the Biological Agents Registry shall be confidential and is not subject
17 to Title 10, Subtitle 6 of the State Government Article.

18 (b) Release of information from the Registry as authorized by regulations
19 adopted under § 17-602(c)(4) of this subtitle shall not render the information released
20 a public record.

21 (C) A PERSON OR ENTITY TO WHOM SPECIFIED INFORMATION HAS BEEN
22 RELEASED FROM THE REGISTRY AS AUTHORIZED BY REGULATIONS ADOPTED
23 UNDER § 17-602(C)(4) OF THIS SUBTITLE MAY NOT RELEASE THE INFORMATION
24 UNLESS THE RELEASE IS APPROVED BY THE BIOLOGICAL AGENTS REGISTRY
25 PROGRAM.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect October 1, 2004.